

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

**FILED**  
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U.S. DISTRICT COURT E.D.N.Y.  
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BROOKLYN OFFICE

In Re Ciprofloxacin Hydrochloride Antitrust  
Litigation

) Master File No. 1:00-MD-1383

) This Document Relates to:

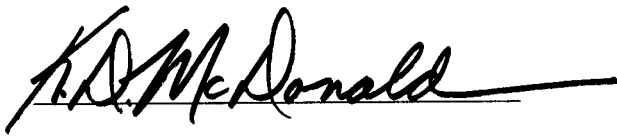
) Hon. David G. Trager, U.S.D.J.

) Hon. Steven M. Gold, U.S.M.J.

ALL ACTIONS

**NOTICE OF BAYER AG'S AND BAYER CORPORATION'S MOTION TO DISMISS  
COUNT V OF THE [PROPOSED] INDIRECT PURCHASER CLASS PLAINTIFFS'  
SECOND AMENDED CONSOLIDATED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Bayer AG and Bayer Corporation, by and through their attorneys, will move this Court for an Order to dismiss Count V of the [Proposed] Indirect Purchaser Class Plaintiffs' Second Amended Consolidated Class Action Complaint (December 23, 2003). For reasons set forth in the accompanying Memorandum of Law in Support of the Motion of Bayer Defendants to Dismiss Count V of the Indirect Purchaser Complaint Based on Threshold Grounds, Count V fails to state a cognizable legal claim. Accordingly, Count V should be dismissed.



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